



June 20, 2024

BY ECF

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: Celine Loh Xiao Han, et al. v. InterExchange, Inc., et al.
Case No.: 23-cv-7786-JLR
LJAA File No.: 0011.1295.0000

Dear Judge Rochon:

In accordance with Your Honor's orders dated December 14, 2023 (Dkt. 43) and June 18, 2024 (Dkt. 62), the parties jointly submit this status update. Defendant InterExchange, Inc. filed an Answer with Crossclaims against the Eiffel Defendants on December 28, 2023 (Dkt. 48). The Eiffel Defendants filed a motion to dismiss InterExchange's crossclaims, which is fully briefed. The Eiffel Defendants also previously filed a motion to dismiss the complaint, which is fully briefed. Both motions remain outstanding.

All parties exchanged their Rule 26 Initial Disclosures on December 28, 2023. The parties also had a Rule 26(f) initial conference by telephone and follow up e-mail discussions concerning fact and document discovery.

The parties all served initial discovery demands and responses. In addition, InterExchange and the Eiffel Defendants have produced documents responsive to the plaintiffs' requests. To date, five of the eight plaintiffs have produced documents responsive to the defendants' requests, and three of the eight plaintiffs have produced authorizations for the release of their medical records from their care providers.

Plaintiffs' counsel and counsel for the Eiffel Defendants anticipate meeting and conferring about discovery, including retrieval and production of responsive material from the plaintiffs' mobile devices.

InterExchange anticipates filing a motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure seeking dismissal of all the plaintiffs' claims asserted against it. It is InterExchange's position that the plaintiffs have failed to set forth claims upon which relief



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can be granted, and that they cannot amend the pleadings to cure those defects in light of the discovery produced to date. Relatedly, InterExchange anticipates seeking a stay of discovery as to the claims asserted against it.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael J. Del Piano".

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cc: All Counsel (By ECF)